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EXHIBIT 1

Order Directing Delivery of Bond

No Envelopes Provided

FILED
KING COUNTY WASHINGTON

OCT 29 2012

SUPERIOR COURT CLERK
BY DAVID J. ROBERTS
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

395 LAMPE, LLC, a Nevada limited liability
company,

Plaintiff/Counter Defendant,

v.

KAWISH, LLC, a Washington limited liability
company; and TIMOTHY L. BLIXSETH and
JANE DOE BLIXSETH, husband and wife,

Defendants/Counterclaim
Plaintiffs/Third-Party Plaintiffs,

v.

WAYNE L. PRIM, an individual residing in
Nevada; THE BLACKSTONE
CORPORATION, a Washington corporation;
PRIM 1988 REVOCABLE TRUST, a private
trust; and OVERLOOK PARTNERS, LLC, a
Washington limited liability company,

Third-Party Defendants.

Case No. 12-2-16763-0 SEA

~~PROPOSED~~ ORDER
DIRECTING DELIVERY OF
BOND

395 Lampe, LLC's Motion for Partial Surrender of Injunction Bond came for
hearing before the Honorable Jim Roger, Superior Court Judge.

PROPOSED ORDER DIRECTING
DELIVERY OF BOND- 1



WITHERSPOON • KELLEY

Attorneys & Counselors

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Phone: 509.624.5265
Fax: 509.458.2728

1
2 **I. HEARING & RECORD**

3 **1.1 Date:** The Court considered counsels' arguments on October 9, 2012.

4 **1.2 Appearances:** The matter was heard without oral argument.

5 **1.3 Record :** The Court considered the following pleadings:

- 6 a. 395 Lampe, LLC's Motion for Partial Surrender of Injunction Bond;
7
8 b. The Declaration of Austin K. Sweet in Support of Motion for Partial Surrender
9 of Injunction Bond;
10 c. The Affidavit of Jody M. McCormick Regarding Attorneys' Fees;
11 d. Kawish, LLC's Response and factual materials; and
12 e. 395 Lampe, LLC's Reply and factual materials.

13 **II. FINDINGS OF FACT**

14
15 The Court hereby FINDS that:

16 1. Overlook Partners, LLC wrongfully sought and obtained a temporary
17 restraining order restraining 395 Lampe, LLC from completing the non-judicial
18 foreclosure of the real property located in the State of Montana commonly referred to as
19 the "Overlook Lots."

20
21 2. Overlook Partners, LLC posted a bond in the amount of \$25,000.00 (the
22 "Bond") as a condition to restraint of the foreclosure sale.

23 3. This matter was removed to the United States District Court for the
24 Western District of Washington (the "District Court").


25 4. Due to the removal, the District Court has jurisdiction over the Bond.
26
27

28 PROPOSED ORDER DIRECTING
DELIVERY OF BOND- 2

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1 **THE COURT, THEREFORE, ORDERS** that the Clerk of the Court is hereby
2 directed to pay funds representing the Bond out of the court registry to the Clerk of the
3 District Court for adjudication by the District Court.

4 DONE this 29 day of October, 2012.

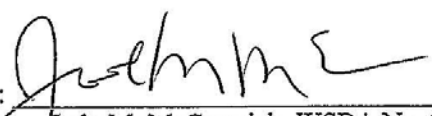
5
6
7 
8 HONORABLE JIM ROGERS
9 Superior Court Judge

10 Presented by:

11 **GUNDERSON LAW FIRM**

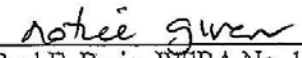
12 By: 
13 Mark H. Gunderson, Esq.
14 Austin K. Sweet, Esq.
15 Attorneys for 395 Lampe, LLC
16 Appearing Pro Hac Vice

17 **WITHERSPOON • KELLEY**

18 By: 
19 Jody M. McCormick, WSBA No. 26351
20 Local Counsel for 395 Lampe, LLC

21 Approved as to form, presentment waived:

22 **BRAIN LAW FIRM**

23 By: 
24 Paul E. Brain, WSBA No. 13438
25 Counsel for Kawish, LLC

26
27
28 **PROPOSED ORDER DIRECTING
DELIVERY OF BOND- 3**



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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on October 22, 2012, I caused to be served, via US Mail, postage pre-paid, a true and correct copy of the foregoing document to the parties below:

Paul E. Brain	David S. Kerruish	Mark Gunderson	Austin K. Sweet
Brain Law Firm	7016 35 th Ave NE	Gunderson Law	Gunderson Law
1119 Pacific	Seattle, WA 98115	Firm	Firm
Avenue, Suite 1200		3855 Warren Way	3855 Warren Way
Tacoma, WA 98412		Reno, NV 89509	Reno, NV 89509

I also certify I caused true and correct courtesy copies to be served via email to the following parties:

Paul E. Brain:	pbrain@paulbrainlaw.com; jdavenport@paulbrainlaw.com
David S. Kerruish:	david@kerruish.us; david@kerruishlaw.com
Mark Gunderson:	mgunderson@gundersonlaw.com;
	kgunderson@gundersonlaw.com, ascalia@gundersonlaw.com
Austin K. Sweet:	asweet@gundersonlaw.com
Tom Linde:	tomlinde@schweetlaw.com; maureenf@schweetlaw.com



KATE LARA

PROPOSED ORDER DIRECTING
DELIVERY OF BOND- 4

WK WITHERSPOON • KELLEY
Attorneys & Counselors

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